

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

TOCCARA YVONNE PULLER,

Plaintiff,

v.

Civil Action No. **3:23CV756**

ARLINGTON COUNTY SHERIFF'S OFFICE, *et al.*,

Defendants.

MEMORANDUM OPINION

Plaintiff, a Virginia state prisoner proceeding *pro se* and *in forma pauperis*, submitted this action pursuant to 42 U.S.C. § 1983. By Memorandum Order entered on October 31, 2024, the Court denied Plaintiff's letter request for the appointment of counsel without prejudice. (ECF No. 45.) In her letter, Plaintiff also indicated that she desired to withdraw the action if the Court did not appoint counsel. (ECF No. 43, at 1.) The Court explained that, given that the Court denied her request for counsel, it appeared that Plaintiff may wish to voluntarily dismiss the case. The Court informed Plaintiff that it would dismiss the action without prejudice in twenty (20) days from the date of entry thereof unless Plaintiff filed a second particularized complaint that complied with the directions in the July 26, 2024 Memorandum Order.

More than twenty (20) days have elapsed, and Plaintiff has not filed a particularized complaint. Because Defendants have filed neither an answer nor a motion for summary judgment, Plaintiff's request to withdraw, (ECF No. 43), operates to dismiss the action without further action from the Court. Fed. R. Civ. P. 41(A)(1)(i). Accordingly, the action will be **DISMISSED WITHOUT PREJUDICE**.

An appropriate Order shall issue.

Date: *27 November 2024*
Richmond, Virginia

/s/ *[Signature]*
John A. Gibney, Jr.
Senior United States District Judge